

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834
(415) 576-0200

PATENT APPLICATION
ASSISTANT COMMISSIONER OF PATENTS
Washington, D. C. 20231

Sir:

Transmitted herewith for filing is the [x] patent application,
[] continuation-in-part patent application of

Inventors: ICHIRO MITSUHARA; MASAHIRO OHSHIMA; YUKO OHASHI

For: PATHOGEN-RESISTANT PLANTS AND METHOD FOR PRODUCTION THEREOF

- [x] This application claims priority from each of the following Application Nos./filing dates:
Japanese appl. No. 8-068809 / March 25, 1996; Japanese appl. No. 8-187763 / July 17, 1996.

Enclosed are:

- [x] 15 sheet(s) of [] formal [x] informal drawing(s).
[x] An assignment of the invention to National Institute of Agrobiological Resources, Ministry of Agriculture, Forestry and Fisheries.
[x] A [x] signed [] unsigned Declaration & Power of Attorney.
[] A [] signed [] unsigned Declaration.
[] A Power of Attorney by Assignee with Certificate Under 37 C.F.R. Section 3.73(b).
[] A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 [] is enclosed [] was filed in the earliest of the above-identified patent application(s).
[x] Two certified copies of Japanese priority applications Nos. 8-068809 and 8-187763.
[x] Preliminary Amendment with Sequence Listing (paper copy and diskette)
[x] Statement
[x] The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	20	-20= *
INDEP CLAIMS	4	-3= 1
[] MULTIPLE DEPENDENT CLAIM PRESENTED		

* If the difference in Col. 1 is less than zero,
enter "0" in Col. 2

Please charge Deposit Account No. 20-1430 as follows:

- [X] Filing fee \$850
[X] Any additional fees associated with this paper or during the pendency of this application
[] The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
[] A check for \$_____ is enclosed.
2 copies of this sheet are enclosed.

Telephone:
(415) 576-0200

Atty. Docket No. 5760-000

09 805813

"Express Mail" Label No. EM530421629

Date of Deposit February 26, 1997

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D. C. 20231

By

Kevin L. Bastian

SMALL ENTITY		OTHER THAN A SMALL ENTITY	
RATE	FEES	RATE	FEES
	\$385		\$770
x11=	\$	x22=	\$
x40=	\$	x80=	\$ 80
+130=	\$	+260=	\$
TOTAL	\$	TOTAL	\$850

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Kevin L. Bastian
Reg. No.: 34,774
Attorneys for Applicant

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
First class mail in an envelope addressed to:
Box SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231, on 7/21/97
By Jacq. Lane

180 | RECEIVED
AUG 18 1997
PATENT
GROUP 1800
Attorney Docket No. 085760-000000US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mitsuhara *et al.*

Serial No.: 08/805,813

Filed: February 26, 1997

For: PATHOGEN-RESISTANT PLANTS
AND METHOD FOR PRODUCTION
THEREOF

) Examiner: Not yet assigned

) Art Unit: 1803

)
RESPONSE TO
NOTICE TO FILE MISSING PARTS
OF APPLICATION
AND
NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE
DISCLOSURES

Box SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with a telephone conversation with the Customer Service Center, Initial Patent Examination Division at (703) 308-1202 on July 18, 1997, it will be fully responsive to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, 37 C.F.R. §§ 1.821-1.825, that accompanied the Notice to File Missing Parts of Application mailed June 4, 1997, to submit herewith the attached 1) Part 2 - Copy to be Returned With Response of the Notice to File Missing Parts of Application; 2) copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; 3) copy of the Patent Application Filing Acknowledgment postcard, with the Express Mail receipt number; 4) copies of the Express Mail receipt and the returned Patent Application Filing Acknowledgment postcard, with the USPTO receipt stamp and application serial number.

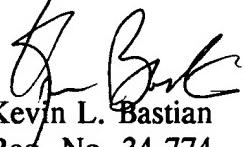
Mitsuhara *et al.*
Serial No.: 08/805,813
Page 2

PATENT

Attached, for the convenience of the Office, are copies of 5) the Statement letter; 6) the Preliminary Amendment; 7) a photocopy of our file copy of the Sequence Listing diskette, similar to the USPTO diskette; and 8) a copy of the paper copy of the Sequence Listing, as filed by Certificate of Mailing on February 26, 1997. Also included, for the convenience of the Office, is 9) the Filing Receipt for application 08/805,813 with the filing date of February 26, 1997.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,



Kevin L. Bastian

Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center
Eighth Floor
San Francisco, California 94111-3834

(415) 576-0200

KLB:dmw

POST OFFICE
TO ADDRESSEE

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

EM530421629US

EMS



* E M 5 3 0 4 2 1 6 2 9 U S *

ORIGIN POSTAL INFORMATION		P.O. ZIP 94106	DAY OF DELIVERY	<input type="checkbox"/> Next Day <input checked="" type="checkbox"/> Second Day <input type="checkbox"/> Flat Rate Envelope
INTERNATIONAL SHIPMENTS ONLY		Date In Mo 2/26/97	Postage \$ 15.00	
		Time In AM 11:41 PM	Military	<input type="checkbox"/> Return Receipt
		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	<input type="checkbox"/> C.O.D.
		Weight 1.2 lbs	Int'l Alpha Country Code	Total Postage & Fees \$ 15.00
		No Delivery <input type="checkbox"/>	Acceptance Clerk Initials DT	

SEE REVERSE SIDE FOR THE
SERVICE GUARANTEE AND LIMITS
ON THE INSURANCE COVERAGE

CUSTOMER COPY

CUSTOMER USE ONLY

METHOD OF PAYMENT: X941886

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

WAIVER OF SIGNATURE (Domestic Only): I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent (if in the judgment of the delivery employee, the article can be left in a secure location) and I authorize the delivery employee to certify that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.

NO DELIVERY

WEEKEND HOLIDAY

Customer Signature

FROM: (PLEASE PRINT)

PHONE

TOWNSEND & TOWNSEND & CREW
2 EMEARCADERO CTR FL 8
SAN FRANCISCO CA 94111-3823

Kevin L. BMatian/tp
File No. 85760

TO: (PLEASE PRINT)

PHONE

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER
OF PATENTS & TRADEMARKS
WASHINGTON DC 20231-0001

LABEL 11-F 5/93

FOR PICKUP OR TRACKING CALL 1-800-222-1811

PATENT APPLICATION
FILING ACKNOWLEDGMENT

Mailing Date: February 26, 1997

File No.: 85760 Attorney: KLB/dgk

Inventor(s): Ichiro Mitsuhashi, et al.

Title: PATHOGEN-RESISTANT PLANTS AND METHOD FOR PRODUCTION THEREOF



Declaration Power of Attorney
 Combined Declaration & Power of Attorney
 Assignment Small Entity Decl.

No. Pages of Description: 35
No. Pages of Appendix:
No. Pages of Claims: 3
No. Pages of Abstract: 1
No. Sheets of Drawings: 15
Microfiche Appendix:

Transmittal letter; Form PTO
1595; Preliminary Amendment;
Sequence listing (paper copy,
diskette); Statement; 2
priority documents

Please stamp the date of receipt of the enclosed documents and return this card to addressee

FILING RECEIPT



085760-0000000045

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

KLR

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/805,813	02/26/97	1803	\$850.00	085760-000	15	20	4

WILLIAM M SMITH
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

ICHIRO MITSUHARA, TSUKUBA-SHI, JAPAN; MASAHIRO OHSHIMA,
TSUKUBA-SHI, JAPAN; YUKO OHASHI, TSUKUBA-SHI, JAPAN.

FOREIGN/PCT APPLICATIONS-JAPAN
JAPAN

8-068809
8-187763

03/25/96
07/17/96

TITLE
PATHOGEN-RESISTANT PLANTS AND METHOD FOR PRODUCTION THEREOF

PRELIMINARY CLASS: 800

RECEIVED
97 JUN - 9 AM 9:28

TOWNSEND & CREW
TOWNSEND & CREW